

Notice of Allowability

Application No.

09/665,534

Examiner

Callie E. Shosho

Applicant(s)

YOSHIMURA ET AL.

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 1/30/04.
2. ☒ The allowed claim(s) is/are 1-11, 13-26 and 28-34.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/523,619.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 4/22/03.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Callie E. Shosho
Primary Examiner
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Statement of Reasons for Allowance

1. In the office action mailed 12/4/03, the examiner stated that claims 1-11, 13-26, and 28-32 were allowable over the “closest” prior art EP 600205, JP 10077438, and JP 07118592, but that the claims could not be passed to issue because of formal matters regarding claim 33.

In response, applicants filed an amendment on 1/30/04. The amendment overcomes the outstanding formal matter with respect to claim 33. Further, the amendment adds new claim 34.

Thus, present claims 1-11, 13-26, and 28-34 are allowable over the “closest” prior art EP 600205, JP 10077438, and JP 07118592 for the following reasons:

EP 600205, JP 10077438, and JP 07118592 each disclose aqueous inks comprising water, solvent, colorant, water-soluble binder, and pearlescent pigment which is mica coated with titanium oxide or iron oxide. However, there is no disclosure or suggestion in any of the references of the ratio of smoothness on the particle, i.e. pearlescent pigment, surface to the median diameter of the pigment or any disclosure or suggestion of the surface coating ratio of the colorant covering the surface of the glittering particle's, i.e. pearlescent pigment, surface as required in the present claims and thus, no disclosure that the ratio of smoothness on the particle surface to the median diameter of the pigment is not greater than 0.011 as required in all the present claims or that the surface coating ratio is not greater than 80% (claims 1, 19, 23, 28, 29, 30, and 33) or 40% (claims 20, 24, and 34) as presently claimed. Further, there is no disclosure or suggestion in EP 600205, JP 10077438, or JP 07118592 of interspersing the glittering particles within the range of not greater than 80% (claims 19, 23, 29, and 33) or within the range of 20-45% (claims 20, 24, and 34) to the total written surface.

In the previous rejections of record, the examiner argued that the ratio of smoothness on the particle surface to the median diameter and the surface coating ratio of the colorant covering the surface of the glittering particle's surface were inherent to the pearlescent pigments of each of EP 600205, JP 10077438, and JP 07118592. However, upon reconsideration and in light of the disclosures on pages 1-2 and 6 of the present specification, it is clear that there is no basis or evidence to support the position that the ratio of smoothness on the particle surface to the median diameter and the surface coating ratio of the colorant covering the surface of the glittering particle's surface are inherent features of any of the cited references.

Specifically, the paragraph bridging pages 1-2 of the present specification discloses that conventional glittering pigments including pearlescent pigments, which are the pigments disclosed by either EP 600205, JP 10077438, or JP 07118592, do not possess strong glittering feeling and spatial effect. Further, page 6 of the present specification discloses that even when the median diameter of the glittering particles is not less than 10 μm , as is the case in each of EP 600205, JP 10077438, and JP 07118592, when the ratio of smoothness on the particle surface to the median diameter exceeds 0.011, the glittering feeling lowers. Further, page 6 discloses that when the surface coating ratio of the colorant covering the surface of the glittering particles exceeds 80%, the glittering feeling also lowers. Thus, it is the ratio of smoothness on the particle surface to the median diameter and/or the surface coating ratio of the colorant covering the surface of the glittering particle's surface that define the glittering particles of the present invention.

In light of the above and given that each of EP 600205, JP 10077438, and JP 07118592 discloses pearlescent pigments and given that none of the references discloses or suggests the

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ratio of smoothness on the particle surface to the median diameter or the surface coating ratio of the colorant covering the surface of the glittering particle's surface as presently claimed, it is clear that the glittering particles of each of EP 600205, JP 10077438, and JP 07118592 do not meet the requirements of the present claims. That is, while each of EP 600205, JP 10077438, and JP 07118592 discloses glittering particles, they are not the glittering particles required in the present claims which must possess the ratio of smoothness on the particle surface to the median diameter and the surface coating ratio of the colorant covering the surface of the glittering particle's surface as required in the present claims.

Thus, it is clear that EP 600205, JP 10077438, or JP 07118592, either alone or in combination, do not disclose or suggest the present invention.

In light of the above, the present claims are passed to issue.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 571-272-1123. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Callie E. Shosho
Primary Examiner
Art Unit 1714

CS
3/8/04